

Message Text

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TO USLO PEKING

C O N F I D E N T I A L STATE 178034

E.O. 11652: GDS

TAGS: SCUL, CH

SUBJECT:CHINESE ARCHEOLOGICAL EXHIBITION: AGREEMENT

THIS MESSAGE FORWARDS OUR CURRENT ENGLISH LANGUAGE WORKING TEXT OF LETTER AND PROTOCOL. THESE TEXTS ARE OUR TRANSLATION OF CHINESE TEXT GIVEN USLO BY MFA IN YOUR MEETING ON JULY 6. IN PREPARING THESE ENGLISH TEXTS, WE HAVE ATTEMPTED TO RENDER A FAITHFUL AND ACCURATE TRANSLATION OF MFA'S CHINESE TEXT, USING AS OUR BASIC GUIDES IN THE TRANSLATION PROCESS ENGLISH TEXTS PROVIDED USLO AT MAY 9 SESSION, ENGLISH LANGUAGE VERSIONS OF BRITISH AND CANADIAN AGREEMENTS AND ALSO OUR CLOSER READING OF CHINESE CHARACTERS -- ZHAN PIN -- FOR EXHIBIT. WE HAVE ALSO CAREFULLY COMPARED MFA'S CHINESE LANGUAGE TEXT GIVEN TO YOU ON JULY 6 TO THE CHINESE TEXT OF THE AGREEMENT WITH UK. THE CHINESE TEXT OF THE AGREEMENT WITH CANADIANS IS NOT YET AVAILABLE TO US.

THE TEXTS FORWARDED BY THIS MESSAGE ARE WORKING DOCUMENTS FOR INTERNAL USE OF USLO AND DEPARTMENT. WE DO NOT WISH YOU TO TABLE THEM AT YOUR NEXT NEGOTIATING ROUND WITH MFA, BUT ARE PROVIDING THEM TO YOU AS BACKGROUND INFORMATION TO ASSIST YOU IN UNDERSTANDING OUR COMMENTS ON THE CHINESE TEXT, WHICH ARE INCLUDED IN SEPTTEL CONTAINING INSTRUCTIONS. CONFIDENTIAL

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TIONS. ALSO WE WOULD WELCOME YOUR CONSIDERATION OF BEST TACTICS TO PURSUE IN ORDER OBTAIN MFA CONCURRENCE IN AN OFFICIAL TRANSLATION ALONG THESE LINES.

EXCELLENCY,

WHEN DR. HENRY KISSINGER, ASSISTANT TO THE PRESIDENT OF THE UNITED STATES OF AMERICA ON NATIONAL SECURITY AFFAIRS, WAS ON A VISIT TO THE PEOPLE'S REPUBLIC OF CHINA IN FEBRUARY 1973, HE EXPRESSED TO THE CHINESE GOVERNMENT THE HOPE THAT THE EXHIBITION OF ARCHEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA WOULD BE SHOWN IN THE UNITED STATES. I HAVE THE HONOUR TO INFORM YOUR EXCELLENCY THAT, WITH A VIEW TO PROMOTING UNDERSTANDING AND FRIENDSHIP BETWEEN THE CHINESE AND AMERICAN PEOPLES, THE CHINESE GOVERNMENT HAS AGREED TO THE HOLDING OF THIS EXHIBITION AT THE NATIONAL GALLERY OF ART IN WASHINGTON, D.C., AND AT THE NELSON GALLERY-ATKINS MUSEUM IN KANSAS CITY, FROM DECEMBER 8, 1974 TO JUNE 7, 1975.

TO ENSURE THE COMPLETE SUCCESS OF THE EXHIBITION I WISH TO CALL YOUR EXCELLENCY'S ATTENTION TO THE FOLLOWING POINTS:

1. THE BODY RESPONSIBLE FOR THE EXHIBITION ON THE CHINESE SIDE IS THE COMMITTEE FOR THE ORGANIZATION OF EXHIBITIONS OF ARCHEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA. IT WILL SIGN AN AGREEMENT ON SPECIFIC ARRANGEMENTS FOR THE EXHIBITION WITH A CORRESPONDING U.S. BODY.
 2. ANNEX A. CONTAINS A LIST OF THE EXHIBITS. ANNEX B CONTAINS INDIVIDUAL VALUATIONS OF THESE EXHIBITS. THESE TWO ANNEXES SHALL NOT BE MODIFIED EXCEPT WITH THE CONSENT OF THE BODIES RESPONSIBLE FOR THE EXHIBITION ON BOTH SIDES.
 3. THE U.S. GOVERNMENT GUARANTEES JUDICIAL AND ADMINISTRATIVE IMMUNITY FOR THE EXHIBITS LISTED IN ANNEX A WHILE IN THE TERRITORY OF THE UNITED STATES. THE U.S. SIDE SHALL ADOPT COMPREHENSIVE MEASURES TO ENSURE THE SECURITY OF THE EXHIBITS AFTER THEIR ENTRY INTO THE TERRITORY OF THE UNITED STATES AND FACILITATE THE SMOOTH HANDLING OF THE EXHIBITION.
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4. THE EXHIBITS SHALL BE HANDED OVER BY A REPRESENTATIVE OF THE CHINESE GOVERNMENT TO A REPRESENTATIVE OF THE U.S. GOVERNMENT IN TORONTO. AFTER THE EXHIBITION ENDS, THE EXHIBITS SHALL BE HANDED OVER IN PEKING BY A REPRESENTATIVE OF THE UNITED STATES GOVERNMENT TO A REPRESENTATIVE OF THE CHINESE GOVERNMENT. THE HANDOVER PROCEDURE SHALL BE DETERMINED SEPARATELY BETWEEN THE BODIES RESPONSIBLE FOR THE EXHIBITION ON THE TWO SIDES.
 5. IN THE EVENT OF LOSS OR DAMAGE OF THE EXHIBITS DURING SHIPMENT FROM TORONTO TO WASHINGTON, OR WHILE IN THE UNITED STATES, OR WHILE EN ROUTE FROM KANSAS CITY BACK TO PEKING, THE U.S. GOVERNMENT SHALL INDEMNIFY THE CHINESE

GOVERNMENT IN ACCORDANCE WITH THE VALUATIONS OF THE EXHIBITS AS LISTED IN ANNEX B.

IN THE EVENT THAT LOSS OR DAMAGE RESULTS FROM ACTS OF FORCE MAJEURE, CRASH OF AIRCRAFT, WAR OR WARLIKE OPERATIONS OR STRONG EARTHQUAKES, COMPENSATION SHALL BE PAID AT A RATE OF 50 PER CENT OF THE VALUATIONS OF THE EXHIBITS AS LISTED IN ANNEX B.

6. THE U.S. GOVERNMENT SHALL BEAR THE SHIPPING COSTS OF THE EXHIBITS FROM TORONTO TO WASHINGTON, FROM WASHINGTON TO KANSAS CITY, MISSOURI, AND FROM KANSAS CITY, MISSOURI TO PEKING. THE MEANS OF TRANSPORT SHALL BE DETERMINED BY THE U.S. SIDE.

7. ANY QUESTIONS OR DISPUTES WHICH MAY ARISE IN CONNECTION WITH THIS EXHIBITION SHALL BE SETTLED THROUGH CONSULTATIONS BETWEEN THE OFFICIAL ORGANS OF THE TWO COUNTRIES.

IF YOUR EXCELLENCY KINDLY CONFIRMS THE ABOVE-MENTIONED POINTS IN A LETTER OF REPLY, THIS LETTER AND YOUR EXCELLENCY'S REPLY SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO SIDES.

I AVAIL MYSELF OF THIS OPPORTUNITY TO EXPRESS TO YOUR EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.

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(SIGNED) YU CHAN
VICE MINISTER OF FOREIGN AFFAIRS
OF THE PEOPLE'S REPUBLIC OF CHINA

ANNEXES A&B

ANNEXES A AND B WOULD BE TRANSLATED AS THEY ARE IN THE ENGLISH VERSION OF THE BRITISH TEXT, EXCEPT THAT IN ANNEX B THE WORD "OBJECT" AT THE HEAD OF THE LIST SHOULD BE TRANSLATED AS "ITEM" AND "NUMBER" IN THAT SAME HEADING WOULD BE TRANSLATED AS "EXHIBIT NUMBER."

AGREEMENT BETWEEN THE UNITED STATES COMMITTEE FOR THE CHINESE EXHIBITION OF THE NATIONAL GALLERY OF ART OF THE UNITED STATES OF AMERICA AND THE COMMITTEE FOR THE ORGANIZATION OF EXHIBITIONS OF ARCHAEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA CONCERNING "THE EXHIBITION OF ARCHAEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA"

SUBJECT TO THE EXCHANGE OF LETTERS BETWEEN YU CHAN, VICE MINISTER OF FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF CHINA, AND DAVID BRUCE, CHIEF OF THE LIAISON OFFICE OF

THE UNITED STATES OF AMERICA TO CHINA, CONCERNING "THE EXHIBITION OF ARCHAEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA," THE U.S. COMMITTEE FOR THE CHINESE EXHIBITION OF THE NATIONAL GALLERY OF ART OF THE UNITED STATES OF AMERICA (HEREINAFTER REFERRED TO AS THE U.S. SIDE) AND THE COMMITTEE FOR THE ORGANIZATION OF EXHIBITIONS OF ARCHAEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA (HEREINAFTER REFERRED TO AS THE CHINESE SIDE) HAVE AGREED AS FOLLOWS:

ARTICLE I

THE CHINESE SIDE SHALL PROVIDE THE U.S. SIDE WITH THE EXHIBITS. ANNEX A TO THE ABOVE-MENTIONED EXCHANGE OF LETTERS CONTAINS A LIST OF THE EXHIBITS AND ANNEX B GIVES INDIVIDUAL VALUATIONS OF THE EXHIBITS.

THE U.S. SIDE SHALL MAKE NO ALTERATIONS IN REGARD TO THE NAME, FORWARD, CHARTS AND WRITTEN EXPLANATIONS OF THE CONFIDENTIAL

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EXHIBITION AND THE ORDER OF DISPLAY OF THE EXHIBITS AS PRESCRIBED BY THE CHINESE SIDE.

ARTICLE II

AT THE TIME OF HANDING OVER IN TORONTO AND PEKING EACH EXHIBIT SHALL BE PHOTOGRAPHED, AND DAMAGED OR REPAIRED EXHIBITS SHALL BE FURTHER (ADDITIONALLY) PHOTOGRAPHED AS NECESSARY. THE REPRESENTATIVES OF BOTH SIDES SHALL COMPARE THE PHOTOGRAPHS WITH THE ACTUAL ARTICLES AND SIGN THE PHOTOGRAPHS. THE U.S. SIDE IS RESPONSIBLE FOR RETURNING THE ORIGINAL EXHIBITS TO THE CHINESE SIDE.

ARTICLE III

THE CHINESE SIDESHALL CONDUCT THE PROCEDURE OF HANDOVER TO THE U.S. SIDE IN TORONTO. REPRESENTATIVES OF BOTH SIDES SHALL BE PRESENT AT THE TIME OF HANDOVER AND PACKING, AND SHALL CONDUCT AN EXAMINATION OF EACH

EXHIBIT, MAKING A WRITTEN REPORT WHICH REPRESENTATIVES OF BOTH SIDES SHALL SIGN. AT THE UNPACKING AFTER ARRIVAL IN THE UNITED STATES, THE REPRESENTATIVES OF BOTH SIDES WILL EXAMINE THE EXHIBITS AND WRITE AND SIGN WRITTEN REPORTS ON THEM.

ARTICLE IV

AFTER THE EXHIBITS ARE RETURNED TO PEKING AFTER CLOSE OF THE EXHIBITION, THE U.S. SIDE SHALL HAND OVER THE EXHIBITS TO THE CHINESE SIDE AND THE REPRESENTATIVES OF BOTH SIDES

SHALL EXAMINE THE CONDITION OF THE EXHIBITS AND MAKE WRITTEN REPORTS AND SIGN THEM.

ARTICLE V

AFTER THE EXHIBITS HAVE ARRIVED IN THE UNITED STATES AND HAVE BEEN PUT INTO THE SHOW CASES OF THE MUSEUMS, THE SHOW CASES SHALL BE IMMEDIATELY SEALED AND THE SEALS SIGNED BY REPRESENTATIVES OF BOTH SIDES, AND NEITHER SIDE MAY BREAK THE SEALS UNILATERALLY. WHILE THE EXHIBITS ARE CONFIDENTIAL

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IN THE UNITED STATES, THEY MAY NOT BE TAKEN OUT OF THE SHOW CASES FOR REPRODUCTION, COPYING OR PHOTOGRAPHY WITHOUT PERMISSION OF THE CHINESE SIDE.

ARTICLE VI

APART FROM THE SHIPPING COSTS OF THE EXHIBITS AS PROVIDED FOR IN THE EXCHANGE OF LETTERS BETWEEN VICE FOREIGN MINISTER YU CHAN AND CHIEF OF THE U.S. LIAISON OFFICE DAVID BRUCE CONCERNING "THE EXHIBITION OF ARCHAEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA," THE OTHER EXPENSES OF THE EXHIBITION SHALL BE DEALT WITH ACCORDING TO THE FOLLOWING PROVISIONS:

- (1) THE CHINESE SIDE SHALL BEAR THE EXPENSE OF ASSEMBLING THE EXHIBITS AND PACKING THEM IN CHINA.
- (2) THE U.S. SIDE SHALL BEAR ALL COSTS OF DISPLAYING THE EXHIBITS IN THE UNITED STATES AND THE COSTS PRIOR TO HANDLING THE EXHIBITS OVER TO THE CHINESE SIDE IN PEKING.
- (3) THE CHINESE SIDE WILL SEND FOUR OFFICIALS AND ONE INTERPRETER TO ACCOMPANY THE EXHIBITION. THEIR TRAVELLING EXPENSES SHALL BE PAID BY THE CHINESE SIDE. THE U.S. SIDE SHALL BEAR THEIR BOARD AND LODGING, TRAVEL AND MEDICAL EXPENSES WHILE THEY ARE IN THE UNITED STATES.

ARTICLE VII

THE PROCEEDS OF THE EXHIBITION SHALL GO TO THE U.S. SIDE.

ARTICLE VIII

THE CHINESE SIDE SHALL SUPPLY THE U.S. SIDE WITH THE DOCUMENTARY FILMS "NEW DISCOVERIES IN ARCHAEOLOGY" AND "CULTURAL RELICS DISCOVERED DURING THE CULTURAL REVOLUTION" FOR SHOWING BY THE U.S. SIDE.

ARTICLE IX

IF THERE ARE ANY DIFFERENCES BETWEEN THE TWO SIDES IN
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CARRYING OUT THIS AGREEMENT, REPRESENTATIVES OF THE TWO
SIDES SHALL SETTLE THEM THROUGH CONSULTATION. IF
NECESSARY THEY SHALL BE REFERRED TO THE OFFICIAL ORGANS
OF THE TWO COUNTRIES.

ARTICLE X

THIS AGREEMENT SHALL COME INTO FORCE ON SIGNATURE AND
SHALL REMAIN IN FORCE UNTIL THE COMPLETE FULFILLMENT BY
THE TWO SIDES OF ALL THEIR OBLIGATIONS ARISING THEREFROM.

DONE IN DUPLICATE AT PEKING ON JULY, 1974, IN
THE ENGLISH AND CHINESE LANGUAGES, BOTH TEXTS BEING
EQUALLY AUTHENTIC.

FOR THE UNITED STATES COMMITTEE
FOR THE CHINESE EXHIBITION OF THE
NATIONAL GALLERY OF ART OF THE
UNITED STATES OF AMERICA

FOR THE COMMITTEE FOR THE ORGANIZATION
OF EXHIBITIONS OF ARCHAEOLOGICAL FINDS
OF THE PEOPLE'S REPUBLIC OF CHINA
KISSINGER

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